



ROSS TOWNSHIP RESOLUTION NUMBER 2016-042

RESOLUTION IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES WITHIN THE TOWNSHIP

WHEREAS, on June 8, 2016, the Ohio General Assembly adopted and the Governor has signed into law 131st General Assembly Sub. H.B. 523, legalizing the cultivating, processing and dispensing of medical marijuana in the State of Ohio, which becomes effective September 8, 2016; and

WHEREAS, for the purposes of this Resolution, the definitions of “cultivators,” “processors,” and “retail dispensaries” are given the same definitions as are found in Chapter 3796 of the Ohio Revised Code, effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a township to adopt a resolution, to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the unincorporated territory of the township; and

WHEREAS, the Board of Trustees, Staff and the Butler County Zoning Commission require additional time to undertake a review of all applicable codes and resolutions and to study and make recommendations as to whether to limit or prohibit the cultivation, processing and/or retail dispensing and to develop and implement resolutions regarding the cultivation, processing and retail dispensing of medical marijuana within the Township; and

WHEREAS, pursuant to the Ohio Revised Code, townships have the power to enact resolutions that are in the interest of the public health and safety of the citizens of the Township; and

WHEREAS, a moratorium of six months on the granting of permits or certificates for any building, structure, use or change of use that would enable the cultivation, processing or retail dispensing of medical marijuana-related businesses and uses in order to allow the Board of Trustees, Staff and the Butler County Zoning Commission members adequate time to review applicable statutes, codes and resolutions relative to such uses;

BE IT RESOLVED by the Trustees of Ross Township, Butler County, Ohio, pursuant to Chapter 3796 of the Ohio Revised Code, as follows:

SECTION 1-A:

The Board of Trustees hereby imposes a six month moratorium, from the effective date of this Resolution, on the processing and issuance of permits or certificates for any building, structure, use or change of use that would enable the cultivation, processing or retail dispensing of medical marijuana-related businesses and uses in order to allow the Board of Trustees, Staff and Zoning Commission members to review applicable statutes, codes and resolutions relative to such uses.

SECTION 1-B:

No certificates or permits of any kind shall be processed or issued to an applicant who intends to open, use any land or devote any floor area of a business for the purposes of cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the Township may expand in any way that would establish cultivation, processing or retail sale of medical marijuana for the duration of the moratorium.

SECTION 1-C:

The Board of Trustees directs the Township Administrator to immediately undertake a review of the new law and related issues and to have staff recommend resolutions to the Board regarding the cultivation, processing and retail dispensing of medical marijuana;

SECTION 1-D:

The moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Zoning Resolutions of the Township or the Township enacts a resolution to address these issues or until the Board approves legislation explicitly revoking this moratorium, whichever comes first.

SECTION 2:

That this resolution shall take effect upon September 8, 2016, said date being the effective date of 131st General Assembly Sub. H.B. 523.

SECTION 3:

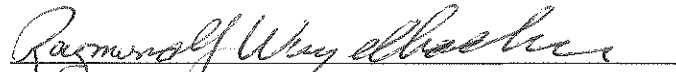
It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

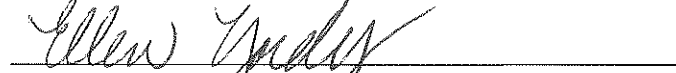
INTRODUCTION AND VOTE RECORD:

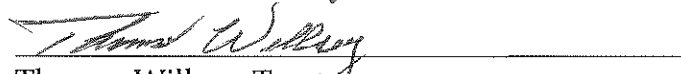
Trustee Wurzelbacher introduced the foregoing Resolution and moved its adoption, Trustee Willsey seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Trustees: Willsey AYE Wurzelbacher AYE Yordy AYE

Adopted at the meeting of the Ross Township Board of Trustees this 18th day of August, 2016.

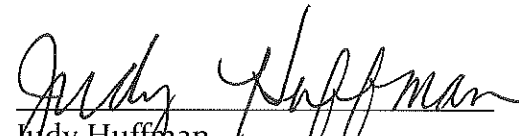

Raymond Wurzelbacher, President


Ellen Yordy, Vice President


Thomas Willsey, Trustee

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Ross Township Fiscal Officer, this 18th day of August, 2016.


Judy Huffman
Ross Township Fiscal Officer

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